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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,038	06/24/2003	Alan Sturt	04026	1037
36547	7590	11/18/2004	EXAMINER	
BIR LAW, PLC 45094 MIDDLEBURY CT. CANTON, MI 48188-3215				HOESLY, RYAN C
ART UNIT		PAPER NUMBER		
3727				

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)
	10/604,038	STURT ET AL.
	Examiner Ryan C. Hoesly	Art Unit 3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 15-26 and 28-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 15-26 and 28-38 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

<ol style="list-style-type: none"> 1)<input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2)<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3)<input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ 	<ol style="list-style-type: none"> 4)<input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ 5)<input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6)<input type="checkbox"/> Other: _____
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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 15-18, 20, 24, 28-30, 32, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tiesler (US Patent Application Publication 2004/0160087) in view of Bergh et al (US Patent Number 6698587). Tiesler teaches a console for motor vehicles that includes a modular design able to support a variety of different modules including a CD or DVD disk holder (60).

3. Bergh teaches a double sided sleeve with a single sheet non-woven material for holding compact discs that includes sleeves (2) designed to hold plate like media devices (4). The Bergh sleeves have a means (28) to be removably attached to a variety of storage devices and can be used singularly or in plurality.

4. With regards to claim 15, Tiesler mainly discloses the entire overhead modular console and does not describe each module as it is obvious that there are a variety of different modules that one might find useful in a vehicle, however, the drawings clearly show that the disk holder is of the type that the individual disk holders fan out upon opening of the storage compartment. Additionally, the Bergh sleeves are designed to be removably attached in a manner where the

attachment end (30) would allow the desired number of receptacles to be held together or closed at one end while the second end would be free to fan out. The ends of the sleeves (24) are closed and only allow lateral access to the disks for storage and retrieval. It would have been obvious to one skilled in the art to use the Bergh sleeves as the disk holders in the designated disk module of the Tiesler device because the Bergh sleeves are commonly used in the art in applications such as the Tiesler module.

5. With regards to claim 29 and 33, as seen in the drawings of the Tiesler overhead console module, the receptacles are pivotally attached at one end through a first connector and are connected at the opposing end through a second connector that allows the receptacles to be selectively accessed. The Bergh sleeves are adapted to store at least one media device in a manner where the ends are sealed to retain the storage media and the sleeves and to provide lateral access to the media devices. Additionally the Bergh sleeves are designed to primarily accommodate disc-shaped media.

6. With regards to claim 16, the Tiesler disk module, as well as the other modules, have doors that allow them to move between an open and closed position, and when the door is in the open position the media receptacles fan out.

7. With regards to claims 17 and 18, the Tiesler module, as well as the Bergh sleeves, is primarily designed to store flat media items such as CDs and DVDs.

8. With regards to claims 20 and 28, Bergh discloses that the sheet construction should include a front and back sheet (14 and 16) made out of "a transparent material such as plastic, vinyl, or polypropylene," and it also includes

a middle sheet (18) so that two media disks may be stored in the same sleeve without contact.

9. With regards to claims 24 and 30, because Tiesler teaches a modular design for a vehicle console, each of the modules are inherently removable (paragraph [0021]). Additionally, Bergh teaches receptacles that have means built in to be removed. Therefore, the entire storage module or, if desired, just the receptacles are removably fastened to the storage device.

10. With regards to claim 32, the Tiesler module fully contains the receptacles when it is in the closed position and, therefore, the receptacles connected at two points could either be fixedly attached or removably attached to the interior portion of the vehicle overhead console.

11. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tiesler in view of Bergh as applied to claims 15-18, 20, 24, 28-30, 32, and 33 above, and further in view of Lee et al (US Patent Number 5947279). Lee teaches a storage system that includes a plurality of accordion style (12) storage sleeves (24) and an additional media holder (26) that is a sleeve, "which may be advantageously dimensioned to hold any machine readable medium." While the Bergh sleeves would be capable of holding some types of storage devices such as memory cards, there are some large memory cards that would deform the plastic sleeves. However, the Lee device utilizes a sleeve on the main article character that can be sized and oriented to match the media device requirements. Therefore, it would have been obvious to one skilled in the art at the time of invention to combine the teachings of Tiesler and Bergh with the

storage medium disclosed by Lee if it were desired to store memory cards on one or more of the plurality of receptacles within the Tiesler media storage module.

12. Claims 21, 23, 34-36, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tiesler in view of Bergh as applied to claims 15-18, 20, 24, 28-30, 32, and 33 above, and further in view of Finnerty (US Patent Number 3027005).

13. With regards to claims 21 and 23, Finnerty teaches a phonograph record holder that includes a plurality of panels for storing flat media devices that are joined by a flexible material (10) to limit spacing between the adjacent panels. While there are many examples of accordion style storage devices, many of these are joined on the sides with a flexible material thus inhibiting lateral access to the receptacles. However the Finnerty device is connected by a ribbon or band at the top and thereby promotes lateral access to the receptacles. Because accordion style media devices are well known in the art and the Tiesler module is shown to have the disks in position to fan-out, it would have been obvious to one skilled in the art at the time of invention to apply the flexible band that Finnerty uses to the Bergh sleeves within the Tiesler module.

14. With regards to claims 34 and 35, the Finnerty ribbon extends from one of the end panels through the middle panels and is attached to other end panel. As stated, the band is attached to the panels at the end opposite of where the panels are pivotally connected.

15. With regards to claim 36 and 38, it is inherent in the Tiesler overhead module and Bergh sleeves when combined with the teachings of Finnerty to provide storage within a vehicle presenting a plurality of connected receptacles from an overhead console upon opening of a storage door in the overhead console, the receptacles having lateral access and collapsible and expandable spacing therebetween to facilitate lateral storage and retrieval of items while retaining items in the receptacles with storage door in an open position.

Additionally the receptacles are able to be removably attached through a number of methods while remaining within the scope and spirit of the teachings.

16. Claim 22 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tiesler in view of Bergh as applied to claims 15-18, 20, 24, 28-30, 32, and 33 above, and further in view of Wu (US Patent Number 4538730).

Wu teaches a collapsible storage box for floppy disk that includes a plurality of receptacles that fan-out when opened, whereby the spacing is limited by two small cylindrical members (33) passing through holes in each of the receptacles.

While the Wu embodiment discloses that the small cylindrical members are wires, any cylindrical member such as a cord could be used and still be within the scope and spirit of the Wu device. It would have been obvious to one skilled in the art at the time of invention to use the teachings of Wu to limit the spacing of the receptacles as applied to Tiesler and Bergh.

17. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tiesler in view of Bergh as applied to claims 15-18, 20, 24, 28-30, 32, and 33 above, and further in view of Miller et al (US Patent Number 6176536). Miller

teaches a vehicle soft console with interchangeable accessory bins and in-molded skin and fasteners that includes storage units (62) that snap (80) into the vehicle console (64). Because the Tiesler module and the Bergh sleeves are already removable, it would have been obvious to one skilled in the art at the time of invention to use snaps as the method of attachment as in the teachings of Miller.

18. Claim 26 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tiesler in view of Bergh as applied to claims 15-18, 20, 24, 28-30, 32, and 33 above, and further in view of Iwasawa (US Patent Number 6116675). Iwasawa teaches an overhead console that includes a storage unit that houses a removable device that is connected inside the console with the use of hook and loop material (column 3, line 32). Because the Tiesler module and the Bergh sleeves are already removable, it would have been obvious to one skilled in the art at the time of invention to use hook and loop material as the method of attachment as in the teachings of Iwasawa.

Conclusion

19. Applicant's arguments with respect to claims 15-26 and 28-38 have been considered but are moot in view of the new ground(s) of rejection.

20. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art made of record can be found in the Notice of References Cited (PTO Form-892). Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan C. Hoesly whose telephone number is (703) 305-0576. The examiner can normally be reached on Monday-Thursday 8:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee Young can be reached on (703) 308-2572. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Stephen K. Cronin
Primary Examiner